Who is the planning authority?

This amendment has been prepared by the Glenelg Shire Council, who is the planning authority for this amendment.

The amendment has been made at the request of Glenelg Shire Council.

Land affected by the amendment

The amendment affects land within Portland West, Portland North, Bolwarra and Digby.

What the amendment does

The proposed amendment implements recommendations of the Glenelg Sustainable Settlement Strategy relating to Rural Living Areas and changes to the Rural Conservation Zone 2 on the periphery of settlements in the shire by:

- Rezoning land from Rural Conservation 2 and Farming Zone to Rural Living Zone in order to reflect the existing use of this land located in Digby, Portland North, Portland West and Bolwarra.
- Rezoning land in public ownership from Rural Conservation 2 to either Public Park and Recreation Zone or Public Conservation and Resource Zone to reflect the future management purpose of the land in Bolwarra, Portland West and Portland North.
- Rezones land identified as Rural Conservation 2 to Industrial 2 where it forms part of a lot already in Industrial 2 zone in Portland North.
- Amends the provisions of the schedule to the Rural Living Zone to allow the minimum lot size to be 2ha within the areas to be rezoned to Rural Living located in Portland and provides for a 20m setback for buildings on lots adjoining School Road.

Strategic assessment of the amendment

Why is the amendment required?

The Glenelg Sustainable Settlement Strategy (GSSS) seeks to manage future growth of settlements in the shire. Council adopted the GSSS in June 2012. The GSSS recommends a number of changes to the Glenelg Planning Scheme including rezoning land in various locations. This amendment proposes to implement some of the directions recommended by the strategy.

Strategic work informing the GSSS includes the Glenelg Strategic Futures Plan 2009 and Glenelg Strategic Land Use Study 2010 (GSLUS). This amendment has also been prepared in accordance with recommendations of the GSLUS – Addendum - Rural Living Areas, which provides a summary of strategic analysis for rural living areas in the shire.

These changes will help to update the provisions of the Glenelg Planning Scheme and direct future sustainable growth on the periphery of settlements.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria under section 4 (1) (a, b c and g) of the Planning and Environment Act 1987.
The amendment complies with the above objectives by ensuring future development on the periphery of settlements occurs in a sustainable and orderly manner considering provision of infrastructure and the future residential growth areas identified in the GSSS.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment implements recommendations of the GSSS. The GSSS provides strategic direction for the shire and is based on analysis of land use and natural resource values undertaken as part of the Glenelg Strategic Land Use Study August 2010 and Glenelg Environment Strategy 2010.

*Environmental effects:*

The Glenelg Strategic Land Use Study - Addendum, Rural Living Areas provides a summary of environmental issues considered during the preparation of the GSSS.

The proposed Rural Living Zone supports some small areas of vulnerable and rare ecological communities. These areas are, however limited in size and can be retained and protected through existing provisions of the scheme. The areas are mainly on the edge of the proposed Rural Living Zones or cover only a small part of one or two existing lots. Further details of these areas are provided in the GSLUS addendum - Rural Living Areas.

The Glenelg Environment Strategy identifies 47 remnant vegetation sites and 22 wetlands of significance in the shire. In Bolwarra, a small area of vegetation along the northern boundary is of environmental significance. This vegetation covers the northern part of two lots and is protected under existing scheme provisions.

Waterways and riparian areas affected by this amendment include Wattle Hill Creek (Portland West and Portland North). Wattle Hill Creek is currently identified as crown land and as such, a PCRZ zone will be applied to this land. Additional land around Wattle Hill Creek in Portland West is owned by Council. This land will be zoned PPRZ as part of this amendment.

The proposed rezoning to Rural Living Zone will generally reflect the existing pattern of development on the periphery of these settlements. There are however, two agricultural businesses located on the periphery of these areas that need to be considered: Treloar Rose Farm and the Portland Strawberry Farm. Both are located at Bolwarra. Each operate on land surrounded by dwellings on small rural lots. Each site has vegetation buffers located on site or on adjoining road reserves providing for reduced impact of operations associated with crop management such as spraying. The closest dwelling is located approximately 15m from Treloar Roses site and 12m from the Strawberry Farm site. In both cases, crops are located a further distance inside the farm boundary to increase the buffer to these areas. The proposed rezoning will reflect the existing use of the land surrounding these farms and not further inhibit existing agricultural use.

While some of the lots in the proposed Rural Living Zone support native vegetation, it is unlikely that future development undertaken in accordance with the Rural Living Zone provisions will result in impacts different from those expected if the works were undertaken in accordance with the existing Rural Conservation 2 Zone.

*Social and economic effects:*

The areas identified for rezoning by this amendment are located on the periphery of the townships of Portland and Digby. The lots are predominantly separately owned and support buildings being are mostly less than 2ha in area. The lots are fragmented with only scattered 20-40ha lots within the area, the majority being under 10ha and most being
approximately 2ha. The social and economic affects were considered in detail in section 3 of the Glenelg Strategic Land Use Study - Addendum, Rural Living Areas.

The potential for viable agricultural use on these lots is low due to the soil type/acidity, lot sizes and proximity to sensitive uses. Based on the analysis contained within the Glenelg Strategic Land Use Study Volume 2 (Aug 2010), rezoning the fragmented built areas to Rural Living Zone was recommended. Land use compatibility is discussed in more detail on page 4 above and further in the GSLUS Addendum - Rural Living Areas.

The proposed Rural Living Zone will be provided with reticulated water where available. Wastewater management will be onsite. Telephone and electricity services are available. All areas can be accessed from constructed roads.

This amendment will rezone the land to more appropriately recognise the existing residential and limited rural uses in these areas. The effect of this zone change is not expected to significantly change the use or development of the land.

Rural Living Zones are proposed by the GSSS for Portland (including Bolwarra) and Digby to rezone unviable rural land and recognise the existing pattern of development on the periphery of these settlements. The proposed amendment will support the provision of diversity in housing stock in the shire.

- **Does the amendment address relevant bushfire risk?**
  Part of the area subject to the amendment is within the Bushfire Management Overlay (BMO). The areas affected by the BMO will be rezoned from Rural Conservation Zone 2 and Farming Zone to Rural Living Zone or Public Conservation and Resource Zone. The bushfire hazard located on or adjoining the lots in Digby is grassland. This extends for a minimum of 730m from the subject land. Plantation and other forest are located beyond 730m of the subject land.

  The bushfire hazard located around Bolwarra (north and south) and Portland North is identified as Forest (dry forest) and one small area of freshwater marsh.

  The bushfire risk to the properties located in Digby is low given the proximity to vegetation however if a fire develops, ember attack is possible. In Portland North and Bolwarra, there is a risk that buildings could be located adjoining forested sites. This could result in radiant heat and ember attack in the event of a fire.

  The main bushfire management issue seems to be locating buildings at suitable distances from vegetation on adjoining public land. This would already be a consideration under the current Rural Conservation Zone 2 and Farming Zone. The lot areas allow for compliance with prescribed setbacks from bushfire hazard areas.

  The CFA were consulted on two occasions during the course of the preparation of the GSSS and their feedback has been incorporated in to the strategic directions for the document and reflected in the provisions of this amendment.

  The amendment allows for compliance with Clauses 13.05, 44.06 and 52.47.

- **Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**
  The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act and complies with Ministerial Direction number 11 on the strategic assessment of amendments.
The amendment provides for some agricultural use on the land however recognises that it will be ancillary to the existing dominant use in the areas affected by this amendment, being residential use. The amendment is consistent with the provisions of Practice Note 37, Rural Residential Development. The provisions of practice note 37 are discussed in detail in section 3 of the Glenelg Strategic Land Use Study - Addendum, Rural Living Areas.

**How does the amendment support or implement the State Planning Policy Framework?**

The amendment supports the major principles of the State Planning Policy Framework (SPPF) as follows:

*Clause 16.02-1 Rural Residential Development* The proposed amendment will rezone existing rural residential development on the periphery of settlements.

This land is not identified as high quality agricultural land, is located close to existing urban centres and can be supplied with electricity and road access. Development in these areas can be located at a suitable distance from intensive animal husbandry and other existing agricultural production uses to provide buffers between these activities. This is discussed in more detail in section 3 of the Glenelg Strategic Land Use Study - Addendum, Rural Living Areas. Most lots will need to collect water on site, however sites in Portland West may be connected to water infrastructure. The proposed amendment is therefore consistent with clause 16.02-1.

*Clause 17.02-1 Industrial land Development*

The proposed amendment will rezone land from Rural Conservation 2 to Industrial 2 Zone where part of the lot is already in the Industrial 2 Zone. This applies to two lots in Portland North. The sites have good access to the Princes Highway and adjoin existing industrial development to the west. Land to the north and south is to be zoned Rural Living as part of this amendment and land to the east is Residential 1 Zone. Land to the east is separated from the proposed industrial land by a four lane highway being approximately 100m in width. There are two dwellings located in the adjoining Rural Conservation Zone areas setback 40m from the boundary of this industrial land. There are two dwellings setback approx 150m from the boundary of this industrial land. The area to be rezoned to industrial is approximately 13ha. There is adequate space within the industrial land for incorporating buffers on site and ensuring separation of future industrial development with existing and future sensitive uses.

**How does the amendment support or implement the Local Planning Policy Framework?**

The amendment supports the objectives and strategies of the Local Planning Policy Framework. It recognises the objective to create industrial zoned land between the railway line and Henty Highway. The amendment also rezones land around Wattle Creek to Public Park and Recreation, supporting recognition of this as an open space corridor to Fawthrop Lagoon.

The LPPF requires setting aside areas north of Portland (including Bolwarra and Gorae) for rural living. The proposed rezoning will create these areas. The proposed rezoning are also consistent with the settlement and rural objectives of the LPPF as they do not conflict with urban growth areas and do not compromise use of high value agricultural land.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment meets the form and content requirements of the Victorian Planning Provisions. The amendment will also rezone two lots, both of which are currently in two
zones, Industrial and Rural Conservation Zone 2. These lots will be entirely in the Industrial Zone, being consistent with proper use of the VPP.

- **How does the amendment address the views of any relevant agency?**
  The views of the relevant servicing agencies were addressed during the preparation of the GSSS. The plans for proposed rezoning in Amendment C78 have been considered by the Country Fire Authority as part of consultation on Council’s Bushfire Management project. Consultation with DSE identified appropriate zones for crown land included in this amendment.

  Further consultation of relevant agencies will occur as part of exhibition.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**
  The proposed amendment does not conflict with the provisions of the Transport Integration Act 2010.

**Resource and administrative costs**
- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**
  The amendment will have some impact on the resource and administrative costs of the responsible authority. This is primarily associated with process of the planning scheme amendment. These costs have been anticipated by Council and are considered a normal part of the Council’s operations.

**Panel hearing dates**
In accordance with clause 4(2) of Ministerial Direction No.15 the following preset panel hearing dates have been set for this amendment:
- Directions hearing: 18 November 2013
- Panel hearing: 9 December 2013

**Where you may inspect this Amendment**
The amendment is available for public inspection, free of charge, during office hours at the following places:
- Portland Customer Service Centre: 71 Cliff Street, Portland.
- Casterton Customer Service Centre: 67 Henty Street, Casterton.
- Heywood Customer Service Centre: 77 Edgar Street, Heywood.

The amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection.